

House State & Local Government Committee Amendment No. 1

AMENDMENT NO. \_\_\_\_\_

\_\_\_\_\_  
Signature of Sponsor

**FILED**

Date \_\_\_\_\_

Time \_\_\_\_\_

Clerk \_\_\_\_\_

Comm. Amdt. \_\_\_\_\_

AMEND Senate Bill No. 512

House Bill No. 631

by deleting all of the language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 43, is amended by adding Sections 2 through 8 of this act as a new, appropriately designated chapter.

SECTION 2. This act shall be known and may be cited as the “Agricultural district and Farmland Preservation Act of 1995”.

SECTION 3. It is the intent and purpose of the state of Tennessee to encourage the conservation, protection, and responsible utilization of lands that are managed for purposes of agricultural production. It is recognized that such lands are finite, fragile, and valuable resources that contribute economically and socially to the well-being of the state of Tennessee. It is also recognized that these lands are subject to change and conversion from agricultural production as a result of urban expansion, and similar land development measures. It is the policy of the state to provide a process for the recognition of lands dedicated to agricultural production and to assure an accurate understanding of the impacts of public policy decisions that might otherwise alter the capability of those lands to remain in agricultural production.

SECTION 4. As used in this chapter, unless the context clearly indicates otherwise:

( ) “Agricultural production” means those operations including associated land and facility management activities engaged in the commercial propagation, raising, harvesting and/or processing of any plant or animal or products thereof for purposes of consumption, utilization, good, or service either on-site or for distribution;

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( ) "Farmland" means land and associated facilities involved in agricultural production activities;

( ) "Agricultural district" means those properties residing within a contiguous boundary and meeting appropriate criteria for designation as such by the local soil conservation district;

( ) "Soil conservation district" means that governmental body established by Title 43, Chapter 14, Part 2;

( ) "State soil conservation committee" means that governmental body established by Title 43, Chapter 14, Part 2;

( ) "Board of supervisors" means the governing body of the local soil conservation district;

( ) "Ownership" means any individual, family, company, corporation, or organization holding title to property within a proposed or established agricultural district; and

( ) "Petition" means the application and application process for designation of an agricultural district as submitted to the local soil conservation district.

SECTION 5.

(a) To qualify for designation as an agricultural district a district shall initially contain at least two hundred and fifty (250) contiguous acres and may include any number of individual property ownerships; however, no single ownership shall contain

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less than fifteen (15) acres. The provisions of this act shall not alter the eligibility requirements or any other provision of the agricultural, forest and open space land act codified in Tennessee Code Annotated, Title 67, Chapter 5, Part10.

(b) Agricultural districts can only include ownerships engaged in agricultural production.

(c) Landowners must submit a petition to the local soil conservation district board of supervisors requesting designation of an agricultural district. The petition shall include the following information:

(1) A general description of the proposed agricultural district including total number of ownerships, total acreage, land use information, social and economic information about the respective area of the county, and potential impacts of development on agricultural production;

(2) Location of the proposed agricultural district boundary on a standard U.S. Geological Survey Quadrangle map (1:2000 scale);

(3) Location of the proposed agricultural district boundary on the local county tax assessor map including location and identification of each ownership within the agricultural district as well as identification of all ownerships adjacent to the agricultural district;

(4) A description of the type and extent of agricultural production activity for each ownership within the proposed agricultural district.

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(5) Other pertinent information as the soil conservation district board of supervisors may require to evaluate the petition.

(d) Individual ownership participation in an agricultural district is entirely voluntary, and no land shall be included in the agricultural district without the consent of the owner.

(e) Upon receipt of a petition the local soil conservation district board of supervisors shall notify the county commissioner and/or any local or regional planning or zoning body that may apply by sending a copy of the petition to such body.

(f) In evaluating a petition for the establishment of an agricultural district the local soil conservation district board of supervisors shall consider the following:

(1) The capability of the land to support continued agricultural production as indicated by soil conditions, climate, topography, and other natural conditions;

(2) The ability of the local, regional, state, and international markets to support continued agricultural production; and

(3) Any matter which might be relevant to evaluation of the petition.

SECTION 6.

(a) Upon review of a petition the local soil conservation district board of supervisors may approve designation of an agricultural district. A designated agricultural district shall be established for a period of five (5) years and reviewed for redesignation every five (5) years thereafter. However, the soil conservation district may review the

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status of designation at any time upon the written request and justification of the respective county executive, mayor, or city manager or upon a decision of the board of supervisors that such a review is appropriate. The soil conservation district board of supervisors may sustain or repeal designation of an agricultural district based upon the following:

(1) The continued viability of the agricultural district. An agricultural district can become reduced in acreage based upon the voluntary withdrawal of any of the ownerships. However, the agricultural district shall cease to exist if the total designated acreage drops below twenty (20) acres;.

(2) The impacts and consequences of proposed land development; and

(3) Other factors that the board of supervisors may find relevant.

(b) Any ownership, or any successor heir of the ownership within an agricultural district may withdraw from the agricultural district upon notifying the local soil conservation district in writing.

(c) Landowners may re-submit petitions for designation or redesignation at any time to the local soil conservation district.

(d) If a petition is rejected or the local soil conservation district board of supervisors repeals designation of an agricultural district, the ownerships within the agricultural district can appeal the decision of the board of supervisors to the state soil conservation committee. Based upon a review of all relevant information and following a

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public hearing, the state soil conservation committee may either sustain or overturn the decision of the local soil conservation district.

SECTION 7. Upon establishment of an agricultural district the following procedures, limitations, and responsibilities shall apply:

(1) Any ownership within an agricultural district who has received a notice of condemnation proceedings against its property may request the local soil conservation district to conduct a public hearing to review the project's impact on that property. Such public hearing shall be held within forty-five (45) calendar days of the receipt of such summons of condemnation proceedings.

(2) The local soil conservation district with the assistance of the state soil conservation committee shall provide appropriate notification about establishment of the agricultural district to local and state government agencies, local media, and other communication networks. The soil conservation district shall also issue appropriate certificates of recognition to the respective ownerships within the agricultural district.

(3) The local soil conservation district in cooperation with the local roads superintendent, or his counterpart, as well as the Tennessee department of transportation, may erect signs as may be appropriate to recognize a designated agricultural district.

SECTION 8. An individual agricultural district may be comprised of ownerships residing in more than one (1) soil conservation district as long as the conditions of a contiguous

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boundary are satisfied. In such a case, each soil conservation district shall have the responsibility to meet the requirements of this act within the county of its jurisdiction.

SECTION 9. It is not the intent of the general assembly in adopting this act to in any way prohibit, restrict, inhibit, or affect municipalities and/or counties in the exercise of the specific powers delegated by §§6-51-101, et seq.; 13-3-101, et seq.; 13-3-301, et seq.; 13-3-401, et seq.; 13-4-101, et seq.; 13-4-201, et seq.; 13-4-301, et seq.; 13-7-101, et seq.; and 13-7-401, et seq.; or to allow this to be done pursuant to this act. Furthermore, it is not the intent of the general assembly in adopting this act to in any way prohibit, restrict, inhibit, or affect any municipality or county in exercising any other power or authority the municipality or county may lawfully exercise, or to allow this to be done pursuant to this act. Nor is it the intent of the general assembly in adopting this act to affect a county's or municipality's power of eminent domain as provided in §§29-17-101, et seq. and 29-17-201, et seq. in any way other than as described in Section 7 of this act.

SECTION 10. This act shall take effect upon becoming a law, the public welfare requiring it.